

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>Gail Gruesbeck,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
<b>Butera Finer Foods, Inc., d/b/a/ Butera Market,</b>	)	
	)	
Defendant.	)	

**COMPLAINT**

1. Jurisdiction exists under 28 U.S.C. § 1331 and principles of supplemental jurisdiction.

2. Venue is proper as Plaintiff Gail Gruesbeck (“Gruesbeck” or “Plaintiff”) is a resident of the Northern District of Illinois, and Defendant Butera Finer Foods, Inc. (“Butera” or “Defendant”) is located in the Northern District of Illinois.

3. Butera is an “Enterprise engaged in commerce or in the production of goods for commerce” within the meaning of 29 U.S.C. § 203(s)(1).

4. Gruesbeck was employed by Butera as a Head Cashier from at least 2004 until on or about April 6, 2015.

5. Gruesbeck’s rate of pay from the pay period ending October 30, 2010, through 2015 was \$14.00 per hour. Her previous rate of pay was \$13.80 per hour.

6. While employed by Butera, Gruesbeck did not take a lunch break on most days because her duties did not allow her to leave her work station.

7. Nevertheless, Butera deducted 1/2 hour of pay from Gruesbeck's paycheck on the days she did not take a lunch break.

**COUNT I  
UNPAID OVERTIME**

8. As a consequence of Butera's deducting 1/2 hour of pay from Gruesbeck's paycheck on the days she did not take a lunch break, Butera failed to pay Gruesbeck for all her hours worked above 40 hours a week at a rate of a least one and one-half times her ordinary hourly rate, in violation of 29 U.S.C. § 207.

9. Butera's failure to pay Gruesbeck her unpaid overtime was willful, within the meaning of 29 U.S.C. § 255.

**COUNT II  
ILLINOIS WAGE PAYMENT AND COLLECTION ACT**

10. As a consequence of Butera's deducting 1/2 hour of pay from Gruesbeck's paycheck on the days she did not take a lunch break, Butera failed to pay Gruesbeck all wages due her, in violation of the Illinois Wage Payment and Collection Act.

WHEREFORE, Plaintiff prays that this Court enter judgment in her favor and against Defendant:

A. For unpaid overtime in an amount to be determined at trial, plus an equal amount in liquidated damages;

B. For unpaid wages in an amount to be determined at trial, plus the 2% per month additional damages set forth in the Illinois Wage Payment and Collection Act;

- C. For costs and reasonable attorney fees; and
- D. For such other relief as may be just and proper.

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